

The Law for the Control of Export, Import and Others of Specified Hazardous Wastes and Other wastes (The Basel Law) - Publication of Basic Matters

Article 4 (3)	No. 1, 2 (1) (i)(a) , Matters listed in Article 3, items (i) to (iv) pursuant to the provision of Article 3 of the same Law
<p>The Minister of the Environment shall, when the written application is sent to the Minister pursuant to the provision of the preceding paragraph, confirm whether <u>necessary measures to prevent environmental pollution</u> are taken in regard to the <u>disposal of specified hazardous wastes, etc.</u> pertaining to the written application and notify the Minister of Economy, Trade and Industry of the confirmation result.</p>	I. One of the following items should be met.
	i) where Japan does not have the technical capacity or the necessary facilities, or the disposal capacity or suitable disposal sites to dispose, in an environmentally sound and efficient manner, of specified hazardous wastes, etc. to be exported;
	ii) where specified hazardous wastes, etc. to be exported are required as raw materials for recycling or recovery industries in the State of import; or
	iii) where specified hazardous wastes, etc. to be exported are exported, imported, transported and disposed of by the Parties of the Convention (hereinafter referred to as “the Convention Parties”) as a whole in accordance with the criteria decided as provided in Article 4-9 (c) of the Convention;
	II. Such export shall not be made to non-Convention Parties;
	III. Such export shall not be made to the area south of 60 degrees south latitude;
	IV. Such export shall not be the export of specified hazardous wastes, etc. prohibited by the State of import;
	V. Consent for such export shall have been obtained in writing from the State of import and the Convention Party of transit; provided, however, that this shall not apply to the consent of the Convention Party of transit if said Convention Party of transit does not require written consent and when Japan does not obtain any response from said Convention Party of transit within sixty days after the day said Convention Party of transit has received notification from Japan;
	VI. Confirmation shall have been received from the State of import that a contract between the exporter and the disposer is concluded that clarifies, in regard to the specified hazardous wastes, etc. to be exported, that transportation and disposal shall be implemented in an environmentally sound manner;
	VII. It shall be found that the transporter and disposer have the capacity to transport and dispose of specified hazardous wastes, etc. in an environmentally sound manner, and that their transportation and disposal are ensured to be implemented in a manner that falls neither below the level required from an environmental conservation viewpoint applicable in Japan, nor below the criteria to be decided on by the Convention Parties at their meeting, as provided in Article 4-2 (e) of the Convention;
	i) The transporter and disposer have the capacity to transport and dispose of specified hazardous wastes, etc. in an environmentally sound manner;
	ii) Transportation and disposal of specified hazardous wastes, etc. are ensured to be implemented in a manner that falls neither below the level required from an environmental conservation viewpoint applicable in Japan;
	iii) Transportation and disposal of specified hazardous wastes, etc. are not below the criteria to be decided on by the Convention Parties at their meeting, as provided in Article 4-2 (e) of the Convention.
VIII. Necessary measures shall have been taken when the State of import or the Convention Party of transit requires insurance coverage, a bond or some other guarantee for the import, transportation or disposal of specified hazardous wastes, etc., or the exporter, transporter and disposer shall have a sufficient financial base and technical capacity to ensure export, transportation and disposal, respectively, of specified hazardous wastes, etc.	